

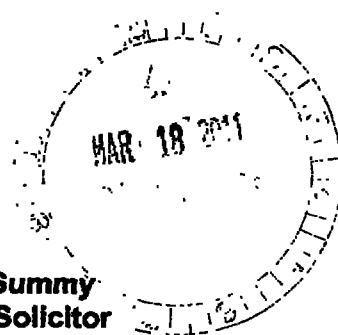


Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

FILED

MAR 18 2011

Greg E. Summy
General Solicitor



Direct Dial Number
(757) 533-4890
fax (757) 533-4872
email: Greg.Summy@nscorp.com

SUPFACE
TRANSPORTATION BOARD

March 17, 2011

via UPS Next Day Air

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

FEE RECEIVED

MAR 18 2011

SUPFACE
TRANSPORTATION BOARD

Re: STB Docket No. AB-290 (Sub-No. 323X) – The Alabama
Great Southern Railroad Company– Abandonment
Saint Bernard Parish, Louisiana - Notice of Exemption

Dear Ms. Brown:

229009

Enclosed for filing with the Board in the subject docket are an original and ten copies of The Alabama Great Southern Railroad Company's Notice of Exemption. Also enclosed is a check in the amount of \$3,600 for the filing fees.

Yours very truly,

Greg E. Summy

ENTERED
Office of Proceedings

MAR 18 2011

Enclosures

Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 323X)

THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY

-- ABANDONMENT EXEMPTION --

SAINT BERNARD PARISH, LOUISIANA

VERIFIED NOTICE OF EXEMPTION

Greg E. Summy
General Solicitor
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510
(757) 533-4890
**Attorney for The Alabama Great
Southern Railroad Company,
a wholly owned subsidiary of
Norfolk Southern Railway Company**

Dated: March 17, 2011



**Before the
Surface Transportation Board**

Docket No. AB-290 (Sub-No. 323X)

The Alabama Great Southern Railroad Company

- Abandonment Exemption -

Saint Bernard Parish, Louisiana

Verified Notice of Exemption

COMES NOW The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and 49 CFR §1152.50, for abandonment of a 3.50-mile line of railroad lying between Milepost 1.00-PT and Milepost 4.50-PT near Toca, in Saint Bernard Parish, Louisiana (the "Line"). Service on the line proposed for abandonment was discontinued in 2006 pursuant to authorization of the Surface Transportation Board (STB) in Docket No. AB-290 (Sub-No. 273X).

Pursuant to the Board's regulations codified at 49 CFR §1152.50, AGS states as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

As the attached certificate of General Manager R. A. Bartle confirms, no traffic

has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this Line within the two-year period prior to the filing date of this Notice of Exemption.

Consummation Date - §1152.50(d)(2)

The effective date of AGS's abandonment of a 3.50-mile line of railroad lying between Milepost 1.00-PT and Milepost 4.50-PT near Toca, in Saint Bernard Parish, Louisiana, will be May 7, 2011.

General Corporate Information - §1152.22(a)(1-2) and (7)

The full name of the party filing this Notice of Exemption is The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under Title 49 of the United States Code, Subtitle IV, Chapter 105.

AGS's representative to whom correspondence with respect to this Notice of Exemption may be sent is:

Greg E. Summy, General Solicitor
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 533-4890

Description of the Line and the Relief Sought - §1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for AGS to abandon the subject line. The line that will be

subject to abandonment under the exemption consists of 3.50 miles of track between mileposts 1.00-PT and 4.50-PT near Toca, in Saint Bernard Parish, Louisiana. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 70085.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

AGS is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of AGS, the Line does not contain federally-granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Labor Protection - §1152.50(d)(2)

Since the Line has been out of service for over two years, the railroad believes no employees will be adversely affected by the abandonment of this Line. However, as a condition to granting the exemption and exercise of the abandonment permitted in this matter, the railroad will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.6, §1105.7, §1105.8, §1105.9 and §1105.11

Attached (Exhibit 2) is a combined environmental and historical report prepared and served in accordance with the Surface Transportation Board's regulations. AGS certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification indicates, AGS certifies that the service and notice requirements of §1152.50(d)(1)(certain governmental agencies) and §1105.12 (newspaper notice) have been complied with.

Conclusion

For the foregoing reasons, AGS states that the proposed abandonment of the subject rail Line is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to the class exemption set forth in 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,



John H. Friedmann
Vice President
The Alabama Great Southern
Railroad Company

Of Counsel:

Greg E. Summy, General Solicitor
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 533-4890
**Attorney for The Alabama Great Southern
Railroad Company, a wholly owned subsidiary
Of Norfolk Southern Railway Company**

Dated: March 17, 2011

VERIFICATION

COMMONWEALTH OF VIRGINIA :
SS:
CITY OF NORFOLK :

John H. Friedmann, being duly sworn, deposes and says that he is Vice President of The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in STB Docket No. AB-290 (Sub-No. 323X) on behalf of The Alabama Great Southern Railroad Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



John H. Friedmann
Vice President
The Alabama Great Southern Railroad Company

Subscribed and sworn to before me
this 8th day of March, 2011.

Rosalind McClean
Notary Public

My commission expires: 3/31/2013

[SEAL]



CERTIFICATION

I hereby certify that (1) pursuant to 49 C.F.R. §1105.12, a notice of intent to abandon railroad service was published in *The Times Picayune*, New Orleans, Louisiana, on February 23, 2011, (see Exhibit 3); and (2) that the notice required by 49 C.F.R. §152.50(d)(1) was given (see Exhibit 4).

A handwritten signature in black ink, appearing to read 'Greg E. Summy', is written above a horizontal line.

Greg E. Summy

Dated: March 17, 2011

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Western Region for The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company; that the line between milepost 1.00 PT and milepost 4.50 PT in Toca, Saint Bernard Parish, Louisiana, which is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 24th day of JANUARY, 2011.



Notary Public

My commission expires:

WILBUR L. ADAMS, JR.
NOTARY PUBLIC, HENRY COUNTY, GEORGIA
MY COMMISSION EXPIRES 9/28/2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served by first-class mail postage pre-paid, on the following parties, on March 17, 2011:

Chairman
Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
P. O. Box 91154
Baton Rouge, LA 70821


Secretary
Louisiana Department of Transportation
1201 Capitol Access Road
Baton Rouge, LA 70802

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

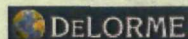
Regional Director - National Park Service
100 Alabama Street, S.W.
1924 Building
Atlanta, GA 30303

Chris Lehnertz, Acting Associate Director
U.S. Dept. of Interior - National Park Service
Cultural Resources, Room 3126
1849 C Street, NW
Washington, DC 20240

United States Dept. of Defense – SDDCTEA
Railroads for the National Defense Program
709 Ward Drive, Bldg. 1900, Room 2E264
Scott AFB, IL 62225



Greg E. Summy



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www.delorme.com

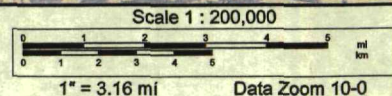


EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORT

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 323X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
a wholly owned subsidiary of
NORFOLK SOUTHERN RAILWAY COMPANY**

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN MP 1.00-PT and MP 4.50-PT
IN TOCA, SAINT BERNARD PARISH, LOUISIANA**

Combined Environmental and Historic Report

**January 19, 2011
Revised February 18, 2011**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 323X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
a wholly owned subsidiary of
NORFOLK SOUTHERN RAILWAY COMPANY**

PROPOSED RAIL LINE ABANDONMENT

**BETWEEN MP 1.00-PT and MP 4.50-PT
IN TOCA, SAINT BERNARD PARISH, LOUISIANA**

Combined Environmental and Historic Report

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of 3.50 miles of rail line between railroad mileposts 1.00-PT and 4.50-PT in Toca, Saint Bernard Parish, Louisiana.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) proposes to abandon 3.50 miles of rail line between railroad milepost 1.00-PT and railroad milepost 4.50-PT in Toca, Saint Bernard Parish, Louisiana. Service on the line proposed for abandonment was discontinued in 2006 pursuant to authorization of the Surface Transportation Board (STB) in Docket No. AB-290 (Sub-No. 273X).

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed and removing the structure crossing the waterway. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

NSR specifications require that all bridge structures be removed, and any piers or bents that are within the waterways are removed to the mud line if they are considered obstructions. The bridge abutments are removed and the ends are graded to a 2:1 slope and seeded if required.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory. AGS would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached as **Appendix A**. The railroad's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic remaining on the line segment proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the President of Saint Bernard Parish. This agency was also asked to comment on the consistency of the proposed abandonment with existing land use plans.

On December 7, 2010, the St. Bernard Parish Council adopted a resolution in support of the line abandonment. A copy of the resolution is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of their response is attached in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the Louisiana Department of Natural Resources, Coastal Management Division. A copy of their response is attached in **Appendix C**.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: AGS may not have fee title to the entire right of way underlying the line proposed for abandonment; therefore, AGS may not have a contiguous corridor available for public use.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be

affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry any energy resources when it was last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment as no freight or passenger traffic is moving over the line, and the line did not carry such commodities when it was last in operation.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency as no freight or passenger traffic has moved over the line in over two years.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect

on air emissions.

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. Saint Bernard Parish, Louisiana is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the captioned rail line will have no significant effect upon public health or safety. Moreover, the closing of two at-grade crossings (St. Bernard – DOT #726005S and Jena Freau – DOT #726006Y) on the segment to be abandoned enhances public safety by eliminating distractions to vehicular traffic crossing the line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: AGS does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment. A consultation was

requested from the U.S. Fish and Wildlife Service to ascertain any impacts to surrounding habitats and species. In their response, a copy of which is attached in **Appendix C**, the U.S. Fish and Wildlife Services states that the project will have no effect on Federal trust resources under their jurisdiction and currently protected by the Endangered Species Act of 1973.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on the site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: There are no plans to remove or alter the contour of the roadbed underlying the rail line to be abandoned. This line segment crosses one waterway at milepost 4.00-PT. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action. Consultation has been requested from the Louisiana Department of Environmental Quality and from the United States Environmental Protection Agency.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: This line segment crosses one waterway at milepost 4.00-PT. The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers. Copies of their responses are attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: This line segment crosses one waterway. There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Louisiana Department of Environmental Quality and from the United States Environmental Protection Agency.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

PROPOSED ACTION AND ALTERNATIVES

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) proposes to abandon 3.50 miles of rail line between railroad milepost 1.00-PT and railroad milepost 4.50-PT in Toca, Saint Bernard Parish, Louisiana. Service on the line proposed for abandonment was discontinued in 2006 pursuant to authorization of the Surface Transportation Board (STB) in Docket No. AB-290 (Sub-No. 273X).

Following abandonment the line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed and removing the structure crossing the waterway. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed. No digging or burying of any kind is permitted. All track material is removed and steel is either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations.

NSR specifications require that all bridge structures be removed, and any piers or bents that are within the waterways are removed to the mud line if they are considered obstructions. The bridge abutments are removed and the ends are graded to a 2:1 slope and seeded if required.

The alternative to abandonment is to not abandon the line and retain the track in

place. This alternative is not satisfactory. AGS would incur opportunity and other holding costs that would need to be covered by other customers were this line segment to be retained.

A map delineating the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Louisiana Office of Cultural Development, Division of Archeology, Department of Culture, Recreation and Tourism.

(2) **Written Description of Right of Way** -- The right-of-way width is 50 feet on each side of the main track centerline, between railroad milepost 1.00-PT and railroad milepost 4.50-PT, a distance of 3.50 miles. The line passes through rural (90%) and residential (10%) areas.

Pursuant to Surface Transportation Board (STB) policy, the railroad right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** -- There are no structures on the line that are fifty years old or older.

(4) **Date of Construction of Structures** -- The bridge located at milepost 4.00-PT is an 84', 7-span timber open deck bridge that was constructed when the line was built in 1963.

(5) History of Operations and Changes Contemplated - The line of railroad that is the subject of the related notice to the STB is a 3.50-mile segment of rail line between Mileposts 1.00-PT and 4.50-PT in Toca, Saint Bernard Parish, Louisiana, constructed by the Louisiana Southern Railway Company in the early 1960's.

The Louisiana Southern Railway Company was chartered on February 27, 1897. The property of the Louisiana Southern Railway Company was operated by the New Orleans, Texas and Mexico Railroad Company from February 1, 1911 to February 1, 1923, when it resumed independent operation.

On August 2, 1933, Louisiana Southern Railway Company went into receivership and receivers operated the property until July 31, 1942.

Louisiana Southern Railway Company was acquired by New Orleans and Northeastern Railroad Company, a subsidiary of Southern Railway Company, on February 6, 1953 and was merged into The Alabama Great Southern Railroad Company on August 1, 1993.

The Alabama Great Southern Railroad Company was incorporated under the general laws of Alabama, on December 28, 1877.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Under approval

granted by the Interstate Commerce Commission in ICC Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982. In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and *Burke Davis, The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985). Numerous books have been published to chronicle the history of the Pennsylvania Railroad. Two examples are: Burgess and Kennedy, *Centennial History of the Pennsylvania Railroad Company 1846-1946* (published by The Pennsylvania Railroad Company, 1949) and Timothy Jacobs, *The History of the Pennsylvania Railroad* (Smithmark Publishers, Inc., 1995).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway*

Company, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

St. Bernard Parish is a parish located southeast of New Orleans, Louisiana. St. Bernard Parish was founded in 1807 and was named for the Patron Saint of Bernardo De Galvez. As of the census of 2000, there were 67,229 residents. On August 29, 2005, St. Bernard Parish was devastated by Hurricane Katrina. As of October, 2006, the population was estimated to be 25,489.

The change contemplated in the operation of the subject 3.50-mile segment in Saint Bernard Parish, Louisiana is for The Alabama Great Southern Railroad Company to abandon the subject dormant line of railroad and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - While plans may be

available for the structure on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

Moreover, the structure is less than fifty years old.

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic

Places – AGS believes that neither the structure on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. There is only one structure along the line – a bridge that is less than fifty years old. . In addition, AGS has no

reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the line.

(8) Subsurface Ground Conditions That Might Affect Archaeological

Recovery – The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information - Additional information will be provided as appropriate.

RESPONSE FROM LOUISIANA OFFICE OF CULTURAL DEVELOPMENT

In their response, a copy of which is attached in **Appendix C**, the Louisiana Office of Cultural Development states “No known historic properties will be affected by this undertaking.”

APPENDIX A

Site Map



Data use subject to license.

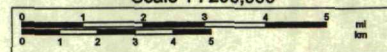
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32



Scale 1 : 200,000



1" = 3.16 mi

Data Zoom 10-0

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of the segment of rail line between MP 1.00-PT and MP 4.50-PT, a distance of 3.50-miles, located in Toca, Saint Bernard Parish, Louisiana.

Mr. Craig P. Taffaro, Jr., President
Saint Bernard Parish
8201 W. Judge Perez Drive
Chalmette, LA 70043

Louisiana Department of Transportation
And Development
1201 Capitol Access Road
P. O. Box 94245
Baton Rouge, LA 70804

United States Army Corps of Engineers
Mississippi Valley Division
1400 Walnut Street
Vicksburg, MS 39180

US Fish and Wildlife Service-Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
3737 Government Street
Alexandria, LA 71302

Louisiana Dept. of Environmental Quality
602 N. Fifth Street
Baton Rouge, LA 70802

U. S. Environmental Protection Agency
Region 6
Fountain Place, 12th Floor, Suite 1200
1445 Ross Avenue
Dallas, TX 75202

Louisiana Coastal Management Division
Department of Natural Resources
P. O. Box 44487
Baton Rouge, LA 70804

National Park Service - Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Louisiana Office of Cultural Development
Division of Archeology
Dept. of Culture, Recreation and Tourism
P. O. Box 44247
Baton Rouge, LA 70804



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

January 19, 2011

RE: STB Docket No. AB-290 (Sub-No. 323X), The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company - Abandonment – in Toca, Saint Bernard Parish, Louisiana

Dear Sir/Madam:

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost 1.00-PT and Milepost 4.50-PT, a distance of 3.50 miles, located in Toca, Saint Bernard Parish, Louisiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

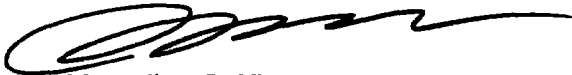
Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

APPENDIX C

Agency Responses



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

Medical Services
Department

DEC 14 2010

3 Commercial Place
Norfolk, VA 23510

MEMORANDUM

DATE: December 10, 2010
TO: Mr. Matt Griffin
Terminal Superintendent
FROM: Roxanne Adams
Clerk of Council
SUBJECT: Resolution SBPC# 728-12-10



.....

This memo is to bring to your attention that the St. Bernard Parish Council, the Governing Authority, convened in Regular Session on Tuesday, December 7, 2010 and adopted the attached Resolution SBPC# 728-12-10, requesting the support of Norfolk Southern Railroad and encouraging them to allow their abandoned land/tracks to revert back to the current land owners in the Eastern end of St. Bernard Parish.

This is being forwarded for your information and reference.



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpj.net

#16

Wayne J. Landry
Councilman at Large

Frank Auderer

Ray Lauga, Jr.
*Councilman
District A*

George Cavignac
*Councilman
District B*

Kenneth "Kenny" Henderson
*Councilman
District C*

Mike Ginart, Jr.
*Councilman
District D*

Fred E. Everhardt, Jr.
*Councilman
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF ST. BERNARD PARISH GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 7, 2010 AT SEVEN O'CLOCK P.M.

On motion of Mr. Everhardt, seconded by Mr. Auderer, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #728-12-10

A RESOLUTION ENCOURAGING NORFOLK SOUTHERN RAILROAD TO ALLOW THEIR ABANDONED LAND/TRACKS TO REVERT BACK TO LAND OWNERS IN THE EASTERN END OF ST. BERNARD PARISH.

WHEREAS, Norfolk Southern Railroad has willingly abandoned their land and tracks in the Eastern end of St. Bernard Parish, and;

WHEREAS, this council is desirous to see the property once occupied by Norfolk Southern Railroad to revert back to the correct land owners in the Eastern end of the Parish.

NOW, THEREFORE, BE IT RESOLVED that the St. Bernard Parish Council, the Governing Authority of St. Bernard Parish, does hereby request the support of Norfolk Southern Railroad and encourages them to allow their abandoned land/tracks to revert back to land owners in the Eastern end of St. Bernard Parish.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Lauga, Henderson, Ginart, Everhardt, Auderer

NAYS: None

ABSENT: None

ABSTAINED: Cavignac

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **adopted** on the 7th day of December, 2010.



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana. 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

Wayne J. Landry
Councilman at Large

Frank Auderer

Ray Lauga, Jr.
*Councilman
District A*

George Cavignac
*Councilman
District B*

Kenneth "Kenny" Henderson
*Councilman
District C*

Mike Ginart, Jr.
*Councilman
District D*

Fred E. Everhardt, Jr.
*Councilman
District E*

Roxanne Adams
Clerk of Council

Page -2-
Extract #16 continued
December 7, 2010

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, December 7, 2010.

Witness my hand and the seal
of the Parish of St. Bernard on
this 7th day of December, 2010.

ROXANNE ADAMS
CLERK OF COUNCIL



Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302

318-473-7751
318-473-7626

December 10, 2010

Kathy Headrick, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

RE: The Alabama Great Southern Railway Company - Abandonment – St. Bernard Parish, LA

Kathy Headrick:

The Farmland Protection Policy Act (FPPA)-Subtitle I of Title XV, Section 1539-1549 of PL 97-98, final rules and regulations were published in the Federal Register on June 17, 1994. These rules state that projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

NRCS policy clarifies the Rule by stating that activities not subject to FPPA include:

1. Federal permitting and licensing
2. Projects planned and completed without assistance of a federal agency
3. Projects on land already in urban development or used for water storage
4. Construction within an existing right-of-way purchased on or before August 4, 1984.
5. Construction for national defense purposes
6. Construction of on-farm structures needed for farm operations
7. Surface mining, where restoration to agricultural use is planned
8. Construction of new minor secondary structures, such as a garage or storage shed.

The project maps submitted with your request indicate that the proposed construction areas are within urban areas. Therefore the third exception item listed above can be cited as reason to determine that both the proposed project(s) are exempt from the rules and regulations of the Farmland Protection Policy Act (FPPA)—Subtitle I of Title XV, Section 1539-1549.

Some of the soils on the project area are be Prime Farmland, therefore, any additional right-of-ways that are required, if federal funds are involved, will require a farmland conversion impact rating. The assessment is completed on form AD-1006, Farmland Conversion Impact Rating. The sponsoring agency completes the site assessment portion of the AD-1006, which assesses non-soil related criteria such as the potential for impact on the local agricultural economy if the land is converted to non-farm use and compatibility with existing agricultural use. Agencies can obtain from AD-1006 from the NRCS.

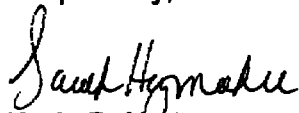
Further, we do not believe there will be an adverse effect on the surrounding environment provided appropriate erosion control measures are taken during construction.

NRCS has no objection to this project and it does not appear that it will affect any of our work in the immediate vicinity.

The area is considered an urban area and is "built-up", thus there will be no impact to prime farmland and it appears the project will not impact any NRCS work in the immediate area. Also, this project will not impact any farmland protection efforts in the area.

Please direct all future correspondence to me at the address shown above.

Respectfully,



ACTING FOR

Kevin D. Nerton
State Conservationist

Attachments

BOBBY JINDAL
GOVERNOR



SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

December 21, 2010

Kathy Headrick
Coordinator Abandonments
Norfolk Southern Corporation
Strategic Planning – 12th Floor
3 Commercial Place
Norfolk, VA 23510

RE: **C20100370, Solicitation of Views**
Alabama Great Southern Railway Company
Federal License or Permit
STB Docket No. AB-290 (Sub-No. 323X)
Possible abandonment of 3.50 miles of rail line. **St. Bernard Parish, Louisiana**

Dear Ms. Headrick:

The above referenced possible rail line abandonment has been reviewed for our concerns with the approved Louisiana Coastal Resource Program (LCRP). It has been determined that the project falls within the Louisiana Coastal Zone and will require a Coastal Use Permit or other authorization from this Office should you wish to implement the project.

If you have any questions concerning this determination please contact Brian Marcks of the Consistency Section at (225)342-7939 or 1-800-267-4019.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregory J. DuCote".
Gregory J. DuCote
Administrator

GJD/JH/bgm

cc: Dave Butler, LDWF
Pete Serio, COE-NOD
William McCartney, St. Bernard Parish

43

Post Office Box 44487 • Baton Rouge, Louisiana 70804-4487
617 North Third Street • 10th Floor • Suite 1078 • Baton Rouge, Louisiana 70802
(225) 342-7591 • Fax (225) 342-9430 • <http://www.dnr.louisiana.gov>

An Equal Opportunity Employer



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

RECEIVED NOV 17 2010

NOV 29 2010

FISH & WILDL SERV
LAFAYETTE, LA.

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

November 12, 2010

U. S. Fish and Wildlife Service – Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

This project has been reviewed for effects to Federal trust resources under our jurisdiction and currently protected by the Endangered Species Act of 1973 (Act). The project, as proposed, ☒ Will have no effect on those resources. ☐ Is not likely to adversely affect those resources. This finding fulfills the requirements under Section 7(a)(2) of the Act.

[Signature]
Acting Supervisor
Louisiana Field Office
U.S. Fish and Wildlife Service
Date *Dec 2, 2010*

RE: Docket No AB-290 (Sub-No. 323X), The Alabama Great Southern Railway Company - Abandonment – in Saint Bernard Parish, Louisiana

Dear Sir/Madam:

The Alabama Great Southern Railway Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company, is considering the abandonment of 3.50 miles of rail line between Milepost 1.00 PT and Milepost 4.50 PT in Saint Bernard Parish, Louisiana. A map is included delineating the area under consideration.

During the removal of track and materials, if any, AGS does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the AGS right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There is one bridge on the line segment at Milepost 3.95 PT. During the removal of track and materials the bridge may be removed; however, any debris or other material will be removed from the area, preventing any of the material from entering waterways. AGS will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should AGS abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require AGS to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects."
- (ii) "State whether wildlife sanctuaries of refuges, National or State parks or forests will be affected, and describe any effects."



**DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267**

REPLY TO
ATTENTION OF

JAN 24 2011

Operations Division
Surveillance and Enforcement Section

Ms. Kathy Headrick
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-9202

Dear Ms. Headrick:

Reference is made to your application for a Department of the Army (DA) permit to abandon a rail line with a bridge crossing from milepost 1.00 to 4.50 just south of Old Hwy. 46, on property located in numerous Sections, Township 14 South, Ranges 13 and 14 East, St. Bernard Parish, Louisiana.

We have reviewed your project, as proposed, and determined that a DA permit under Section 404 of the Clean Water Act will not be required. It is our understanding that the removal of the rail line and bridge crossing will be conducted within the rail line footprint and will not involve mechanized landclearing for additional access, or the discharge of fill material into adjacent Waters of the US, including wetlands. Any changes or modifications to the proposed project will require a revised determination.

This determination addresses the rail line only and does not include any offsite disposal or staging areas. To obtain an accurate delineation of these areas, please furnish us with the field data concerning vegetation, soils, and hydrology that we require for all jurisdictional decisions. The fact that a wetland delineation/determination has not been completed does not alleviate your responsibility to obtain the proper DA permits prior to working in wetlands or other Waters of the US occurring on these sites.

Please be advised that this determination only applies to DA permitting requirements and does not alleviate your responsibility to obtain proper authorization from other federal, state, or local agencies that may be required.



Please be advised that this property is in the Louisiana Coastal Zone. For additional information regarding coastal use permit requirements, contact Ms. Christine Charrier, Coastal Management Division, Louisiana Department of Natural Resources at (225) 342-7953.

You are advised that you must obtain a permit from a local assuring agency, usually a Levee Board or Parish Council, for any work within 1500 feet of a federal flood control structure such as a levee. You must apply by letter to the appropriate agency including full-size construction plans, cross sections, and details of the proposed work. Concurrently with your application to the assuring agency, you must also forward a copy of your letter and plans to Ms. Amy Powell, Operations Manager for Completed Works of the Corps and to the appropriate regional office of the Louisiana Department of Transportation and Development (LA DOTD) or the Office of Coastal Protection and Restoration (OCPD) for their review and comments concerning the proposed work. The assuring agency will not issue a permit for the work to proceed until they have obtained letters of no objection from both of these reviewing agencies. For additional information, please contact Ms. Amy Powell at (504) 862-2241.

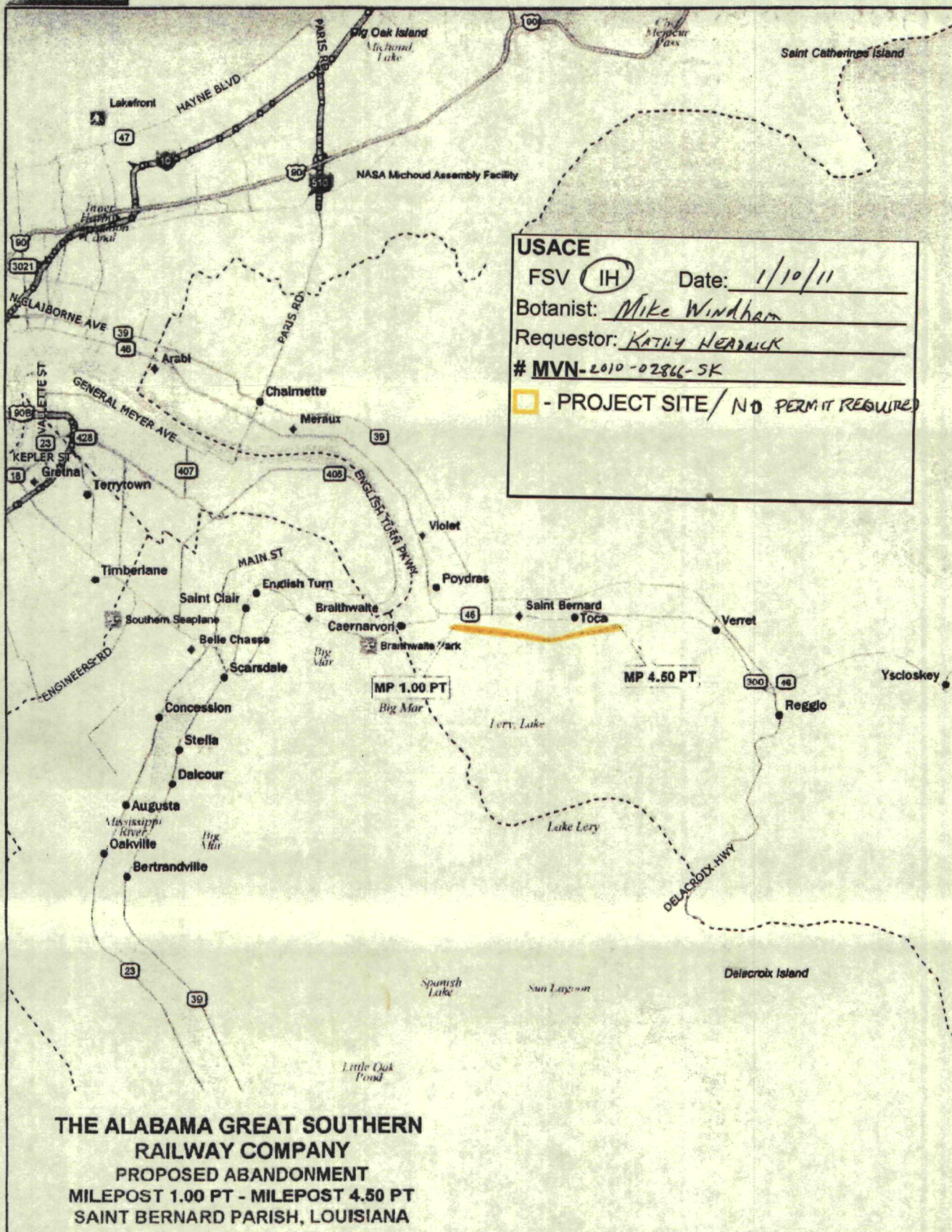
You are advised that this jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Michael Windham at (504) 862-1235 and reference our Account No. MVN-2010-02866-SK. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete and return the enclosed Customer Service Survey or complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,


 Pete J. Serio
Chief, Regulatory Branch

Enclosure



USACE
 FSV IH Date: 1/10/11
 Botanist: Mike Windham
 Requestor: KATHY HEADRICK
 # MVN-2010-02866-SK
☒ - PROJECT SITE / NO PERMIT REQUIRED

**THE ALABAMA GREAT SOUTHERN
 RAILWAY COMPANY
 PROPOSED ABANDONMENT
 MILEPOST 1.00 PT - MILEPOST 4.50 PT
 SAINT BERNARD PARISH, LOUISIANA**

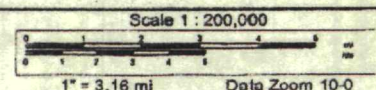
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DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P. O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

February 4, 2011

REPLY TO
ATTENTION OF

Operations Division
Operations Manager,
Completed Works

Mr. Stuart Williamson, Executive Director
Lake Borgne Basin Levee District
Post Office Box 216
Violet, Louisiana 70092

Dear Mr. Williamson:

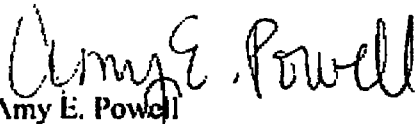
We have received a letter request dated November 12, 2010, from Norfolk Southern Railway Company, on behalf of The Alabama Great Southern Railway Company (AGS), concerning permission to abandon 3.50 miles of rail line (remove track, bridge, and materials) more than 1,500 feet landward of the left descending Mississippi River levee and more than 300 feet landward of the Chalmette Loop Levee (Verret to Caernarvon Reach), in St. Bernard Parish, Louisiana.

We have reviewed the above request and have determined that a letter of no objection is not required from this office since the work is more than 1,500 feet from the centerline of the Mississippi River levee and more than 300 feet from the centerline of the Chalmette Loop Levee (Verret to Caernarvon Reach).

This letter is based upon engineering criteria, and no interpretation or comments regarding local laws, zoning, or ordinances concerning property rights, etc., have been made. Additionally, this letter does not obviate the applicant's requirement to obtain federal, state, or local permits required by law.

If we can be of any further assistance, please feel free to call Mr. Jim Walters of my office, at (504) 862-2354. Additionally, future correspondence concerning this project should reference our permit number 11-051. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,

Handwritten signature of Amy E. Powell in cursive script.

Amy E. Powell
Operations Manager, Completed Works

Copies Furnished:
OCPR, Baton Rouge, Attn: Antonio German
LA DOTD, New Orleans
Norfolk Southern Railway Company
Attn: Ms. Kathy Hendrick



BOBY JINDAL
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
District 02, Design, Water Resources & Development Section
7252 Lakeshore Drive
New Orleans, Louisiana 70124-2498
(504) 816-7307
www.dotd.louisiana.gov



SHERRI H. LEBAS, P.E.
SECRETARY

February 23, 2011

Lake Borgne Basin Levee District
Post Office Box 216
Violet, Louisiana 70092

Attention: Mr. Stuart Williamson, Executive Director

RE: Permit Request from Norfolk Southern Railway Company to abandon 3.50 miles of rail line between Milepost 1.00 PT and 4.50 PT in St. Bernard Parish, Louisiana

Dear Mr. Williamson:

This office is in receipt of copy of letter dated November 12, 2010 from Norfolk Southern Railway Company, on behalf of The Alabama Great Southern Railway Company (AGS), for a permit on the above reference project. This project consists of removing and abandonment of 3.50 miles of rail line which include removal of the track, a bridge, and materials. The map from The Alabama Great Southern Railway Company (AGS), show the location of the work with general information about the project.

After reviewing the Norfolk Southern Railway Company request, this work is more than 1,500 on the protected side of the Mississippi River levee and more than 300 feet on the protected side of the Lake Pontchartrain and Vicinity, Verret to Caernarvon Levee in St. Bernard Parish, Louisiana. This work does not impact the Federal Levee System or flood control structures maintained by Lake Borgne Basin Levee District. A letter of no objection or levee board permit should not be required. Please be advised that a St. Bernard Parish permit may be required.

If you should have any questions please contact Mr. Ennis Johnson, P.E. of this office at (504) 816-7311.

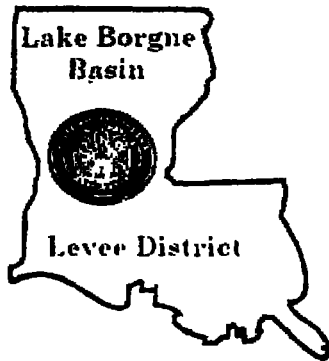
Very truly yours,

Michael J. Stack, P.E., P.L.S.
District Administrator

By: Ennis Johnson
Design Engineer 6

Xc: Mr. James Altman, OCPR
Mr. Robert Turner, SLFPA East
USACE
Ms. Peggy Sembera, Lake Borgne Basin Levee District
Ms. Kathy Headrick, Norfolk Southern Railway Company

AN EQUAL OPPORTUNITY EMPLOYER
A DRUG-FREE WORKPLACE
02 53 2010



Lake Borgne Basin Levee District
P.O. Box 216
6136 E. St. Bernard Highway
Violet, Louisiana 70092
(504) 682-5944 phone
(504) 682-5942 fax
admin@lbld.com

Stuart Williamson, P.E.
Executive Director
swilliamson@lbld.com

March 9, 2011

Kathy Headrick-Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Request dated November 12, 2010 from Norfolk Southern Corporation, submitted on behalf of Alabama Great Southern Railway Company (AGS), for permission to abandon 3.50 miles of rail line (remove track, bridge and materials) between Milepost 1.00 PT and 4.50 PT in St Bernard Parish, Louisiana.

Dear Ms. Headrick:

The above referenced request has been reviewed by the Louisiana Department of Transportation and Development (see LDOTD letter dated February 23, 2011) and the U.S. Army Corps of Engineers (see USACE letter dated February 4, 2011).

After review, it has been determined that the proposed Work is more than 1,500 feet from the centerline of the Mississippi River Levee and more than 300 feet from the centerline of the Chalmette Loop Levee (Verret to Caernarvon Reach). This Work does not impact a Federal Levee System or flood control structures maintained by the Lake Borgne Basin Levee District. Also, the Lake Borgne Basin Levee District does not own or operate any facilities in the immediate vicinity of the proposed project site.

Therefore, the permitting of the abandonment of 3.50 miles of rail line as indicated above does not fall within the jurisdictional authority of the Lake Borgne Basin Levee District.

Hence, the Lake Borgne Basin Levee District takes no position as to approval or disapproval regarding the proposed Work. However, please be advised that a St. Bernard Parish permit may be required.

Sincerely,

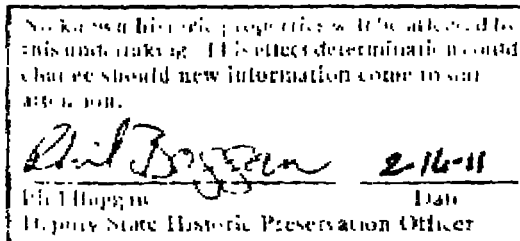
Stuart Williamson, P.E.
Executive Director

SW:alf

cc: Michael Celestine, LDOTD, New Orleans
Karen Oberlies, USACE



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202



Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

January 19, 2011

RE: STB Docket No. AB-290 (Sub-No. 323X), The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company - Abandonment - in Toca, Saint Bernard Parish, Louisiana

Dear Sir/Madam:

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost 1.00-PT and Milepost 4.50-PT, a distance of 3.50 miles, located in Toca, Saint Bernard Parish, Louisiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and 49 C.F.R. §1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 323X) was mailed via first class mail on January 19, 2010, to the following parties:

Mr. Craig P. Taffaro, Jr., President
Saint Bernard Parish
8201 W. Judge Perez Drive
Chalmette, LA 70043

Louisiana Department of Transportation
And Development
1201 Capitol Access Road
P. O. Box 94245
Baton Rouge, LA 70804

United States Army Corps of Engineers
Mississippi Valley Division
1400 Walnut Street
Vicksburg, MS 39180

US Fish and Wildlife Service-Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

USDA-NRCS
3737 Government Street
Alexandria, LA 71302

Louisiana Dept. of Environmental Quality
602 N. Fifth Street
Baton Rouge, LA 70802

U. S. Environmental Protection Agency
Region 6
Fountain Place, 12th Floor, Suite 1200
1445 Ross Avenue
Dallas, TX 75202

Louisiana Coastal Management Division
Department of Natural Resources
P. O. Box 44487
Baton Rouge, LA 70804

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Louisiana Office of Cultural
Development
Division of Archeology
Dept. of Culture, Recreation & Tourism
P. O. Box 44247
Baton Rouge, LA 70804



Marcellus C. Kirchner

January 19, 2011

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

Exhibit A Attached

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR), gives notice that on or about March 18, 2011, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10503, permitting the abandonment of a 3.50-mile line of railroad between milepost 1.04-PT and milepost 4.50-PT, which traverses through United States Postal Service ZIP Code 70085 near Toca, in Saint Bernard Parish, Louisiana. The proceeding will be docketed as No. AB-290 (Sub-No 323X). The STB's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions public use conditions, or rail banking/ trails use should be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Government Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representatives: Greg E. Summy, General Solicitor, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 533-4890.

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

LEGAL NOTICE

Re: The Alabama Great Southern Railroad Company gives notice that on or about March 18, 2011, it intends to file

Advertisement of

Norfolk Southern Corporation

Strategic Planning Department

Three Commercial Place

Norfolk, VA 23510-9241

Was published in

The Times Picayune

3800 Howard Ave

New Orleans, LA 70125

On the following dates

February 23, 2011

Sworn to and subscribed before me this
Day of

23rd

February, 2011

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Greg E. Summy
General Solicitor

(757) 533-4890

March 1, 2011

Chairman
Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
P. O. Box 91154
Baton Rouge, LA 70821

Secretary
Louisiana Department of Transportation
1201 Capitol Access Road
Baton Rouge, LA 70802

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

Regional Director - National Park Service
100 Alabama Street, S.W.
1924 Building
Atlanta, GA 30303

Chris Lehnertz, Acting Associate Director
U.S. Dept. of Interior - National Park Service
Cultural Resources, Room 3126
1849 C Street, NW
Washington, DC 20240

United States Dept. of Defense – SDDCTEA
Railroads for the National Defense Program
709 Ward Drive, Bldg. 1900, Room 2E264
Scott AFB, IL 62225

Re: STB Docket No. AB-290 (Sub-No. 323X), The Alabama Great Southern Railroad Company, a wholly owned subsidiary of Norfolk Southern Railway Company – Abandonment; Saint Bernard Parish, Louisiana

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), The Alabama Great Southern Railroad Company (AGS), a wholly owned subsidiary of Norfolk Southern Railway Company (NSR) hereby gives notice that on or about March 18, 2011, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit AGS's abandonment of a 3.50-mile line of railroad lying between milepost 1.00-PT and milepost 4.50-PT near Toca, in Saint Bernard Parish, Louisiana (see attached map). No revenue traffic has originated or terminated or moved overhead on the line for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Greg E. Summy

GES:kch
Enclosure